

By: Button

H.B. No. 2037

A BILL TO BE ENTITLED

AN ACT

relating to the promotional system used in certain municipal civil service fire departments.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Section 143.035, Local Government Code, is amended to read as follows:

Sec. 143.035. ALTERNATE PROMOTIONAL SYSTEM [~~IN POLICE DEPARTMENT~~].

SECTION 2. Section 143.035, Local Government Code, is amended by amending Subsections (a), (b), (c), (d), (e), (f), (g), and (i) to read as follows:

(a) This section does not apply to a municipality that has adopted Chapter 174 [~~The Fire and Police Employee Relations Act (Article 5154c-1, Vernon's Texas Civil Statutes)~~].

(b) The [~~On the recommendation of the head of the police department and a majority vote of the sworn police officers in the department, the~~] commission may adopt an alternate promotional system as provided by this section for a police department or fire department to select persons to occupy nonentry level positions other than positions that are filled by appointment by the department head of the police department or fire department, as applicable, if:

(1) for the police department:

(A) the department head recommends adoption of

1 the alternate system; and

2 (B) the sworn police officers in the department
3 approve the adoption by a majority vote; or

4 (2) for the fire department:

5 (A) the department head recommends the adoption
6 of the alternate system; and

7 (B) the fire fighters in the department approve
8 the adoption by a majority vote. [The promotional system must
9 comply with the requirements prescribed by this section.]

10 (c) The commission shall order the director to conduct an
11 election ~~and~~ to submit the alternate ~~revised~~ promotional system
12 ~~either~~ to:

13 (1) all sworn police officers or all fire fighters, as
14 applicable, within the rank immediately below the classification
15 for which the promotional examination is to be administered; or

16 (2) ~~to~~ all sworn police officers in the police
17 department or all fire fighters in the fire department, as
18 applicable.

19 (d) The director shall hold the election on or after the
20 30th day after the date notice of the election is posted at the
21 applicable police or fire department. The election shall be
22 conducted throughout each regular work shift at an accessible
23 location within the applicable police or fire department during a
24 24-hour period.

25 (e) The ballot shall contain the specific amendment to the
26 promotional procedure. Each sworn police officer or each fire
27 fighter, as applicable, shall be given the opportunity to vote by

1 secret ballot "for" or "against" the amendment.

2 (f) The alternate [~~revised~~] promotional system must be
3 approved by a majority vote of the sworn police officers or the fire
4 fighters voting. A defeated promotional system amendment may not
5 be placed on a ballot for a vote by the sworn police officers or the
6 fire fighters, as applicable, for at least 12 months after the date
7 the prior election was held, but this provision does not apply if
8 the head of the police department or fire department, as
9 applicable, recommends a different proposal to the commission.

10 (g) The commission shall canvass the votes within 30 days
11 after the date the election is held. An appeal alleging election
12 irregularity must be filed with the commission within five working
13 days after the date the election closes. If approved by the sworn
14 police officers or the fire fighters, as applicable, the
15 promotional system amendment becomes effective after all election
16 disputes have been ruled on and the election votes have been
17 canvassed by the commission.

18 (i) At any time after an alternate promotional system has
19 been adopted under this section by a police department or fire
20 department and has been in effect for at least 180 days, a petition
21 signed by at least 35 percent of the sworn police officers or the
22 fire fighters, as applicable, may be submitted to the commission
23 asking that the alternate promotional system be reconsidered. If a
24 petition is submitted, the commission shall, within 60 days after
25 the date the petition is filed, hold an election as prescribed by
26 this section. If a majority of those voting vote to terminate, the
27 commission shall terminate the alternate promotional system.

1 SECTION 3. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2017.